

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Criminal No. 05-377 (JRT/JJG)

Plaintiff,

v.

ORDER

MIGUEL LESCUS-ZARATE,

Defendant.

Omar A. Sayed, Assistant United States Attorney, **OFFICE OF THE UNITED STATES ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis, Minnesota 55415, for plaintiff.

Kristine J. Zajac, **ZAJAC LAW FIRM**, 301 Fourth Avenue South, Suite 270, Minneapolis, Minnesota 55415, for defendant.

This matter is before the undersigned upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, and being duly advised of all the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. Zarate's Motion to Suppress Evidence of Identification (Doc. No. 21) is **DENIED**.
2. Zarate's Motion to Suppress Statements (Doc. No. 22) is **GRANTED**.
3. Zarate's Motion to Suppress Physical Evidence (Doc. No. 23) is **DENIED**.

Dated: February 8, 2006
at Minneapolis, Minnesota

s/John R. Tunheim

JOHN R. TUNHEIM
United States District Judge